



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,626	02/01/2001	Motomu Fukasawa	865.4528	3044

5514 7590 01/24/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY, 10112

EXAMINER

REIS, TRAVIS M

ART UNIT PAPER NUMBER

2859

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,626

Applicant(s)

FUKASAWA, MOTOMU

Examiner

Travis M Reis

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11 December 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 & 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Foley (U.S. Patent 4448548).

Foley discloses an apparatus & management system (1) for indicating the history of the environmental conditions of the environment in which said apparatus is used to permit a determination of the level of deterioration of a recoverable and reusable unit of said apparatus and a determination of whether the recoverable and reusable unit can be recovered and reused, said apparatus comprising a recoverable and reusable unit (5) which is recoverable and reusable after use of said unit and said apparatus in the environment, depending on the level of deterioration of said unit, which depends on the history of environmental conditions of the environment in which said apparatus was used; and an environmental history indicator member disposed to be mountable and dismountable inside said unit or adjacent to said unit (col. 3 line 65), having environmental resistivity less than the environmental resistivity of the unit (col. 4 line 53), said environmental history member being arranged so as not to participate in any functions of said apparatus during use of said apparatus, said environmental history indicator member determining the degree of deterioration of said recoverable and

Art Unit: 2859

reusable unit by permitting a determination of the value of the property thereof (col. 5 lines 29-32), variable in accordance with the history of conditions in the environment in which said apparatus was used, said property being a light transmitting property variable according to an environmental history (cols. 4-5, lines 67-68; 1-4), in accordance with temperature and/or humidity, of use to the apparatus and being arranged not to participate in any functions of said apparatus during use of said apparatus, wherein the light transmitting property deteriorates over time to assume and maintain a state of deterioration wherein said environmental history indicator member maintains the state of deterioration of the property; for a process to be applied to said unit is determined as to whether said unit is to be reused as it is, or to be reused after repair/cleansing, or to be removed/recycled according to a result of measurement by an inspection, of the property of said environmental history indicator member (col. 7 lines 47-50) (Figure 1).

3. Claims 1-3 & 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al. (U.S. Patent 6314907).

Harris et al. disclose an apparatus & management system (16) for indicating the history of the environmental conditions of the environment in which said apparatus is used to permit a determination of the level of deterioration of a recoverable and reusable unit of said apparatus and a determination of whether the recoverable and reusable unit can be recovered and reused, said apparatus comprising a recoverable and reusable unit (18, 20) which is recoverable and reusable after use of said unit and said apparatus in the environment, depending on the level of deterioration of said unit,

Art Unit: 2859

which depends on the history of environmental conditions of the environment in which said apparatus was used; and an environmental history indicator member disposed to be mountable and dismountable inside said unit or adjacent to said unit, having environmental resistivity less than the environmental resistivity of the unit, said environmental history member being arranged so as not to participate in any functions of said apparatus during use of said apparatus (Figure 5), said environmental history indicator member determining the degree of deterioration of said recoverable and reusable unit by permitting a determination of the value of the property thereof, variable in accordance with the history of conditions in the environment in which said apparatus was used, wherein said environmental history indicator member maintains the state if deterioration of the property (Figure 4A); for a process to be applied to said unit is determined as to whether said unit is to be reused as it is, or to be reused after repair/cleansing, or to be removed/recycled according to a result of measurement by an inspection, of the property of said environmental history indicator member (Abstract).

Allowable Subject Matter

4. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2859

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dabisch discloses bodies with reversibly variable temperature-dependent light absorbance (U.S. Patent 4268413). Baker et al. discloses a remotely detectable sterilization monitor (U.S. Patent 4850716). Thomas et al. discloses a detergent container with thermochromatic level indicator (U.S. Patent 5707590).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M Reis whose telephone number is (703) 305-4771. The examiner can normally be reached on 8:00--5:00 Monday--Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Travis M Reis
Examiner
Art Unit 2859


CHRISTOPHER W. FULTON
PRIMARY EXAMINER

Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

tmr
January 22, 2003